

REMARKS

Applicants thank the Examiner for the courtesy of a telephone call on June 15, 2012 to discuss the claims in light of the BPAI decision dated June 4, 2012.

Reconsideration of the application in light of the following remarks is respectfully requested.

Status of the Claims

Claims 1 and 3-29 are pending before entry of this Response. Claim 2 has been previously cancelled without prejudice to the subject matter therein. Claims 27 has been amended. No claims have been added. No new matter has been added.

Rejection under 35 U.S.C. § 103(a)

In an Office Action dated May 2, 2008, claims 1 and 3-29 were rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,687,241 to Goss ("Goss") in view of U.S. Patent No. 5,526,417 to Dezonno ("Dezonno"). Claim 1 recites in relevant part (emphasis added):

a **graphical user interface (GUI)** electrically coupled to said CSRS and configured to receive and **display information** from said CSRS;

wherein **said information** received from said CSRS **originates from said calling party**;

On December 22, 2008, Applicant appealed this rejection to the Board of Patent Appeals and Interferences ("BPAI"). In a decision¹ dated June 4, 2012, the BPAI held that as a Conclusion of Law, "Appellant has shown that the Examiner erred in rejecting claims 1, 3-26, and 28 under 35 U.S.C. § 103(a)" (*BPAI Decision*, p.5). The BPAI reversed

¹ *Ex parte* PETER TAVERNESE JR., Appeal 2009-01167 ("BPAI Decision").

the Examiner's rejection of 1, 3-26 and 28 under 35 U.S.C. § 103(a). In particular, the BPAI's Analysis stated: "With respect to representative claim 1, **we agree with Appellant that neither Gross (*sic*) nor Dezonno would have taught or suggested a graphical user interface (GUI) displaying information provided by (originating from) a calling party**" (*BPAI Decision*, p.3). Claims 16 and 28 include a commensurate limitation, as noted by the BPAI (*id.*).

Therefore, for the reasons set forth by the BPAI decision, Applicant submits that claims 1, 3-26 and 28 are allowable.

With respect to claims 27 and 29 under §103(a), the rejection of which were affirmed by the BPAI, the Decision stated: "the information received and displayed by the GUI need only be included in the telephone call. **There is no requirement that the information (data) originate from the caller**" (*BPAI Decision*, p.4) (emphasis added).

Applicant has amended claim 27 to recite that the information originates from the calling party. Applicant submits that claim 27 as amended is allowable for the reasons set forth in the BPAI Decision, and that claim 29 is allowable at least by reason of its dependency upon an allowable base claim.

For the reasons set forth above, Applicant requests reconsideration and withdrawal of the rejection of claims 1 and 3-29.

CONCLUSION

In view of the foregoing it is believed that claims 1 and 3-29 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

In view of the foregoing, the Applicants believe the above-captioned patent application is now complete. If, however, the Office believes any unresolved issues still exist or if, in the opinion of the Office, a telephone conference would expedite passing the present application to issue, the Office is invited to call the office of the undersigned at 732-345-0400 so appropriate arrangements can be made for resolving such issues as expeditiously as possible. The required fees are being paid concurrently by credit card. However, the Commissioner is hereby authorized to charge counsel's Deposit Account 50-4267 for any additional fees required to make this Request timely and acceptable to the Office or credit any refund.

Respectfully submitted,

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